

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

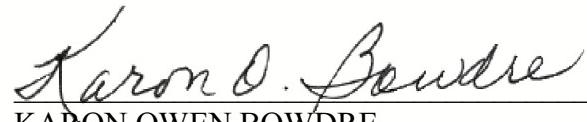
RYAN STEVEN PENDERGRAFT,)
Petitioner,)
v.) CIVIL ACTION NO. 05-BE-2364-NE
MARTHA JORDAN, Warden,)
Respondents.)

MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation on April 10, 2006, recommending that the petition for writ of habeas corpus be dismissed as the court lacked jurisdiction to consider a second or successive petition without the prior certification of the Eleventh Circuit Court of Appeals. On April 20, 2006 petitioner filed objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation and the objections filed by the petitioner, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the petition for writ of habeas corpus is due to be DISMISSED. A Final Judgment will be entered.

As to the foregoing it is SO ORDERED this the 25th day of April, 2006.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE